

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLAN THOMAS ROCKWELL,

Plaintiff,

v.

TUOLUMNE COUNTY, et al.,

Defendants.

Case No. 1:22-cv-00392-JLT-EPG

ORDER GRANTING DEFENDANT DENISE
CHOATE'S MOTION FOR AN EXTENSION
OF TIME TO RESPOND TO THE
COMPLAINT AND DIRECTING PLAINTIFF
TO FILE PROOFS OF SERVICE

(ECF No. 7)

Plaintiff Allan Thomas Rockwell ("Plaintiff") is proceeding *pro se* in this action against Tuolumne County, Michael Choate, Denise Choate, and Melissa Brouhard. (See ECF No. 1.)

On May 3, 2022, Defendant Denise Choate, appearing *pro se*, filed a motion requesting a 21-day extension of time to respond to the complaint in this case. (ECF No. 7.) According to the motion, Defendant Choate's response is currently due May 10, 2022, and she needs additional time to secure an attorney and to prepare a response. (*Id.*)

Plaintiff filed a First Amended Complaint on April 25, 2022, and it is not clear if Defendant Choate's response is due on May 10, 2021 as stated in the motion.¹ (ECF Nos. 1, 5.) Thus, in an abundance of caution, the Court will grant the motion and will extend Defendant

¹ Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A), a defendant's response to the complaint is due within 21 days of service of the summons and complaint, or within 60 days after a waiver request was sent if service has been timely waived. Fed. R. Civ. P. 12(a)(1)(A).

Choate's response date to June 7, 2022.

The Court also notes that Plaintiff has not filed a proof of service Defendant Choate or any of the remaining defendants. Accordingly, the Court will direct Plaintiff to file any proofs of service of the summons and the complaint and/or the First Amended Complaint on Defendants.

Accordingly, IT IS HEREBY ORDERED that:

1. Defendant Denise Choate's motion (ECF No. 7) for an extension of time to respond to the complaint is granted;
2. The deadline for Defendant Denise Choate to file a responsive pleading is extended to **June 7, 2022**; and
3. Within **fourteen (14) days** of service of this order, Plaintiff shall file any proofs of service of the summons and the complaint and/or First Amended Complaint on Defendants.

IT IS SO ORDERED.

Dated: May 4, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE